



ATTORNEY DOCKET NO.: 46969-5306

Application No.: 10/653,428

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REMARKS

Summary of the Office Action

Claim 6 stands objected to because of alleged informalities: the word “island” should allegedly be changed to --island structure--.

Claims 1-5 stand rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Hosokawa et al. (EP 845924) (hereinafter “Hosokawa”).

Claims 6-9, while objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form.

Summary of the Response to the Office Action

Applicants have canceled claim 7 without prejudice or disclaimer. Applicants have also amended claim 1 to include the allowable features of canceled claim 7. The dependencies of claims 8-10 have thus been amended in light of the cancellation of claim 7. Claim 11 has been amended to be rewritten in independent form. Accordingly, claims 1-6 and 8-12 remain pending.

Claim Objection

Claim 6 stands objected to because of alleged informalities: the word “island” should allegedly be changed to --island structure--. Applicants have amended claim 6 in accordance with the Examiner’s helpful suggestion at page 2, section 3 of the Office Action. Accordingly, withdrawal of the objection to claim 6 is respectfully requested.

Interview Summary Form dated June 22, 2006 and Statement of Substance of Telephone

Discussion with the Examiner on July 20, 2006

Applicants received an Examiner-Initiated Interview Summary form dated June 22, 2006 from the USPTO in connection with the above-identified application. Upon review of this Interview Summary form, Applicants encountered a number of unclear issues. As a result, Applicants' undersigned representative conducted a telephone discussion on July 20, 2006 with United States Patent and Trademark Office Examiner Alonzo Chambliss to obtain clarification of these issues. Applicants thus file the following statement of the substance of the July 20, 2006 telephone discussion with the Examiner in an attempt to clarify the record with regard to these issues.

First of all, Applicants note that Applicants' undersigned representative did not conduct an interview with the Examiner on June 13, 2006 in this application, despite the indication of such on the attached Examiner-Initiated Interview Summary Form dated June 22, 2006. In the July 20, 2006 telephone discussion, Applicants' undersigned representative pointed this out to the Examiner and the Examiner responded that his supervisor recommended the "interview summary" format as a way to inform Applicants of the fact that an incorrect reference number was cited in the rejection under 35 U.S.C. § 102(b) in the May 31, 2006 Office Action even though no actual "interview" was in fact conducted with Applicants' undersigned representative. The Examiner noted that in the rejection under 35 U.S.C. § 102(b), the Examiner intended to apply EP 1083776 A1 instead of EP 0845924 A2, as clarified by the Examiner on the attached Examiner-Initiated Interview Summary form dated June 22, 2006.

Applicants note further that the Examiner checked a box in Part III of the Examiner-Initiated Interview Summary form that indicates that this application is now allowed and a Notice of Allowability will issue shortly. Applicants' undersigned representative pointed this out to the Examiner in the July 20, 2006 telephone discussion. In response, the Examiner noted that he had "checked the wrong box" on the form and that this application is not currently allowed. Accordingly, the outstanding objections and rejections still need to be addressed.

Finally, Applicants' undersigned representative pointed out to the Examiner today that the Office Action dated May 31, 2006 did not address all of the pending claims 1-12 in this application. For example, page 1 of this Office Action indicates that claims 1-9 are pending. The Examiner responded that this portion of the Office Action should indicate that claims 1-12 are pending with claims 11 and 12 currently withdrawn from consideration. In addition, the Examiner noted that the Office Action should have included claim 10 in the "objected to" claims 6-9. The Examiner indicated that Applicants' undersigned representative should clarify these issues in the response to the outstanding Office Action dated May 31, 2006. Accordingly, this summary has been included in this response.

Rejection under 35 U.S.C. § 102(b)

Claims 1-5 stand rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Hosokawa. The Examiner is thanked for the indication that claims 6-9, while objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form. In light of this indication of allowable subject matter, Applicants have canceled claim 7 without prejudice or disclaimer and Applicants have amended independent claim 1 to include the

allowable features of canceled claim 7. The dependencies of claims 8-10 have thus been amended in light of the cancellation of claim 7. Accordingly, newly-amended independent claim 1 is in *prima-facie* condition for allowance. Dependent claims 2-6 and 8-10 are allowable at least because of their dependence on newly-amended independent claim 1.

Rejoinder of Claims 11 and 12

Claim 11 has been amended to be rewritten in independent form. The Examiner considered claim 11 before the issuance of the Notice of Allowability dated February 3, 2006, in which the Examiner specifically indicated that claim 11, and it's dependent claim 12, were allowed. See item 2 of the Notice of Allowability (USPTO Form PTOL-37) dated February 3, 2006 indicating that all of claims 1-12 are allowed. The substance of these claims has not been further addressed in any other Office Communications received by Applicants to date in this application. In the above-discussed July 20, 2006 telephone discussion, the Examiner indicated that these claims were currently withdrawn. However, it is possible that the Examiner did not recall the indication of allowance of these claims in the February 3, 2006 Notice of Allowance when he made that indication over the telephone. Nevertheless, Applicants thank the Examiner for the consideration of these previously withdrawn claims 11 and 12 and the indication of allowance of these claims in the February 3, 2006 Notice of Allowance. Applicants respectfully request that claims 11 and 12 pass to issuance with the remainder of the currently pending claims discussed previously in this response.

CONCLUSION

In view of the foregoing remarks, Applicants' respectfully request the timely allowance of this application. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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